

United States District Court
Southern District of Texas

Case Number: CA-H-02-495

ATTACHMENT

Description:

Other:

Exhibit E

The KERLICK COMPANY, Inc.

Professional Social Work Services
P.O. Box 85
Richmond, Texas 77406-0085
Phone: 1-800-537-5425

Licensed Master Social Workers
Advanced Clinical Practitioner
NASW Clinical Social Work Register

Court-Ordered Social Studies
Adoptions & Disputed Custody
Social Services Consultation

June 1, 2000

Hon. Judge T. A. Stansbury
% Glory Hopkins, District Clerk
305 Jackson
Richmond, Texas 77469

Re: Cause # 112-415, In the Interest of the Children of Gary & Melissa Gates

Dear Hon. Judge Stansbury:

Attached please find the completed social study and internet criminal records for Melissa and Gary Gates.. Please feel free to contact me regarding this study at 1-800-537-5425 or at my mobile phone at 979-533-0875. Because of the length of the study (25+ pages), I have developed a Table of Contents for assisting you in finding key sections that you might be more interested in reading. It is located immediately behind this letter.

Thank you for your patience in this matter. Over 150 hours were spent in completing this report not counting travel time. However, as a result, I feel much more confident of my findings as expressed in the report.

Sincerely,



Helen Kerlick, LMSW-ACP
Licensed Marriage & Family Therapist

Cc: Ronald Pope, Atty at Law
Martin Cardin, Atty at Law
Steve Valikonis, Atty at Law
Frank Briscoe, Atty at Law
Guardian ad Litem - CASA
Attorney for Ft. Bend County Child Protective Services

FILED
FEB 11 2002
CLERK, CLERK'S OFFICE
FORT BEND COUNTY, TEXAS

CAUSE # 112,415
SOCIAL STUDY TO THE COURT

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Adoption & Disputed Custody-
Social Services Consultation

Cause # 112,415

IN THE INTEREST OF
SARAH AMANDA GATES, GARY WILTON
GATES, III, GEORGE WILLIAM GATES,
SCOTT PRESTON GATES, DERODRICK THOMAS
GATES, TRAVIS GLENN GATES, RAQUEL
VIRGINIA GATES, CYTHIA MARY GATES,
CASSANDRA LOUISE GATES,
TIMOTHY JOSEPH GATES, ANDREW
JACOB GATES, ALEXIS SUZANNA
GATES, AND MARCUS ANTHONY GATES

IN THE DISTRICT COURT OF

FORT BEND COUNTY, TEXAS

CHILDREN

328TH JUDICIAL DISTRICT

Social Study Report to the Court

I. PREFACE:

In response to a request received from 328th Judicial District Court, The Honorable Judge Stansbury, the following Social Study has been completed. The interviews were conducted and/or supervised by Helen S. Kerlick, LMSW-ACP, LMFT, whose education and experiences exceed the minimum qualifications established by Section 107.052 of the Texas Family Code and Section 725.6051 of the Texas Administrative Code.

This is the fourth study made of this family by this social worker over a period of approximately eight years. A total of approximately twelve visits (some unannounced) have been made with the Gates family, both to the three story home they own at 5103 Cypress Green, Richmond, Texas, as well as the one story level brick Houston home they owned in the Spring Branch area prior to moving to Richmond, and to their corporate offices at 2205 Ave. I, Rosenberg, Texas

For this study, three on-site interviews at the home of Gary and Melissa Gates included joint and private interviews with Mr. and Mrs. Gates, private interviews with each of the children (two times), private interviews with the two housekeepers (who were spoken to in Spanish to

protect confidentiality), observations of the family routine after school, observation of family preparing to go to church as well as them eating supper together (on an unannounced visit which included partaking of all food served). Additionally, the social worker observed the children and parents in attendance at various classes and activities at the church and observation of an early morning routine of swimming at the YMCA. Three visits were made to Mr. Gates' office at the company he owns, GATESCO where he and Melissa were jointly interviewed (with Marcus and Alexis on one occasion) and his staff were observed interacting with Mr. Gates.

The following information and personal interviews have been collected and reviewed for the purpose of this report:

1. Petitioner's Supporting Affidavit by Children's Protective Services Caseworker.
2. Written statement from Mr. and Mrs. Gates to the allegations posed by Children's Protective Services.
3. Irrevocable Settlement Agreement dated March 24, 2000.
4. Letter and Notice of Findings from Children's Protective Services dated March 22, 2000.
5. Written statement from Dr. Kay Lewis including diagnosis and recommendations for Travis Gates dated March 23, 2000.
6. Written statement from Dr. Michael Bornstein, pediatrician, regarding the physical and emotional health of all the Gates' children dated March 23, 2000.
7. Written statement from Dr. Ed Uthman, Pathologist and Laboratory Medical Director at Polly Ryan Hospital, regarding the March 22, 2000 lab visit by Travis Gates dated March 23, 2000.
8. Correspondence from Gary Gates to Teachers at Dickinson Elementary dated February 11, 2000.
9. Student Behavior Intervention Plan for Travis Gates dated 4/15/99.
10. Behavior Intervention Plan Chart for Travis Gates.
11. Correspondence dated February 7, 2000 from Mr. Gates to Cynthia Brown, LCISD Diagnostician.
12. Grade records for Travis Gates from years 97-98 and 96-97.
13. Written documentation from the school as to the overall performance and appearance of the following children:
 - a. Travis Gates, Linda Lane, Dickinson Elementary, 3/27/00
 - b. Scott Gates, Gary King, Navarro Middle School, 3/23/00
 - c. T.J. Gates, Ms. P. Rowe, Huggins Elementary
 - d. Deroderick Gates, Elena Lang, Huggins Elementary, 3/24/00
 - e. Andy Gates, Allan W., Huggins Elementary, 3/24/00
 - f. Raquel Gates, Ms. P. Rowe, Huggins Elementary
 - g. Cynthia Gates, Ms. P. Rowe, Huggins Elementary
 - h. Cassie Gates, Cynthia White, Huggins Elementary
 - i. Sarah Gates, Naomi Ellison, Lamar High School, 3/24/00

Personal or telephone conferences with school personnel involved with all of the above listed children as well as for Will Gates and George Gates from the principal at George jr. High. Results will be listed under each child in the text.

14. Newsletter Huggins Elementary dated March 24, 2000.
15. Personal Interviews with the following individuals associated with these proceedings:
16. Written documentation (and personal interview) from Dr. Mark Wernick, including diagnosis and general treatment information.
17. Phone conversation with Dr. Jay Bevan, Ph.D. from 5/18/00.
18. Phone conversation with Dr. Thomas Mann, Psychologist from 5/23/00
19. According to Nigel Archibald who was reached on 5-27-00, Fort Bend County Children's Protective Services, there is currently an open case with regards to the Gates family in the Ongoing Services Unit. Mr. Archibald is the Social Worker assigned to the Case. Request for contact with Erica Davis was deferred to Mr. Archibald. He indicated that he would be the spokesman for the agency with regards to this matter. Mr. Archibald indicates that he has had several contacts with Rev. Keith Bower. He stated that Rev. Bower has been conferring on a regular basis with Mr. & Mrs. Gates per the mediation agreement. Mr. Archibald stated that he is pleased with the progress in what he calls a "special situation" with the Gates case.
20. Personal face to face contact and observation of the Gates family during swimming activities at swimming pool facility at local YMCA. Joe Carrasco, Life Guard at TA Davis YMCA was interviewed at this time. He indicated that Mr. Gates has regularly brought the five older boys to early morning swimming practice for the past two years. His observations are that Mr. Gates is kind and interacts well with all the children, who appear to have respect for him and he for them. Initially, Mr. Carrasco refused to speak with Social worker unless approved by Mr. Gates.

The aforementioned information will be expanded on throughout the remainder of this report.

II. CIRCUMSTANCES SURROUNDING THE REQUEST:

On February 11, 2000, based on court documents and interviews with parties involved, Ft. Bend County Children's Protective Services representatives accompanied by three Fort Bend County Sheriff Deputies visited the Gates' home. This visit was prompted by a call for concern surrounding events of an incident in which Travis Gates had exited his third floor bedroom out the window, had entered the home into the kitchen and had consumed an enormous amount of food, especially candy. Subsequently, Mr. Gary Gates, his father, required him to wear the wrappers to school as a part of his punishment. A letter was sent with him to school explaining the situation and requesting cooperation from the school with the punishment.

According to Melissa Gates, after interviewing the Gates' children, Fort Bend County Children's Protective Services representatives opted to remove the children from the home. She added that the children were placed in separate temporary placements, generally separated from each other, over the weekend. She states the one child needing the most assistance, Sarah, their 17 year old special needs child. On Monday, February 14, 2000, a hearing was held and the children were placed back in the home, with certain stipulations. Subsequent to that hearing, Gary Gates requested this social worker to interview the family and complete an independent

investigation so as to prepare documentation of findings for the court. On March 23, 2000, the Honorable Judge T. A. Stansbury, of the 328th District Court ordered Helen Kerlick, LMSW-ACP to submit findings of social study investigation to the Court in regards to cause number 112, 415. The purpose of this report is to ascertain the history and background of the dynamics of this family, their growth and development (or lack thereof) including but not limited to discipline, usual customs, activities and rituals of the parents as they relate to the family and most particularly, the emotional status and home environment of the children involved in this proceeding, particularly Travis Gates.

Upon further investigation, the social worker obtained information related to appeals proceedings associated with Travis Gates' school officials and Mr. & Mrs. Gates regarding the services provided at Dickinson Elementary, Lamar Consolidated Independent School District. According to Mr. Gates, he and Mrs. Gates appealed the Admission, Review and Dismissal Committee's decision to make Travis TAAS exempt. The appeal resulted in a decision to overturn the school's recommendation. According to Mr. Gates, this decision, prior to these proceedings, placed both Lamar Consolidated Officials and Mr. & Mrs. Gates in a formal adversarial relationship related to the appeal. It is the goal of this report to go beyond the dispute surrounding the special education services being provided to Travis and investigate the nature of the school and home in relationship to the emotional well being of Travis Gates and the remaining twelve Gates children.

The Gates family is unusual in that the constellation contains a mix of natural-born children of both sexes with special needs (one with superior intelligence and another with mental retardation), and eleven children of multi-ethnicity with all levels of intelligence and special needs who were adopted at various ages through different avenues. This uniqueness alone automatically sets up the normal present-day prejudices against large families, multi-ethnic adoptions, and children with special needs. In addition, the Gates are staunch and adamant Christians who regularly attend and support their church and its missions. Having worked in state agencies and systems where clients regularly faced the type of above-listed prejudices not only from the public but also from agency personnel, this social worker acknowledges that these factors may be playing a part, either positively or negatively, in any evaluations made by all of the entities involved, including this social worker.

III. PARENTS INVOLVED IN THE PROCEEDING:

A. Melissa Preston Varner Gates

At age 42, Melissa Preston Gates, born May 9, 1958 in Tulsa Oklahoma, stands at 5'1" and weighs 115lbs. She is an attractive, wholesome Caucasian woman, with hazel eyes and brown hair. She presents as a petite, athletically balanced, Christian woman who loves all her children deeply. "Missy" as her husband calls her, smiles a lot and has a very pleasant, amiable somewhat quiet and unassuming demeanor. She does express her desires and opinions which do appear to be taken into account by Mr. Gates, but generally does expect him to be the spokesperson for the family. She appears to be intensely loyal to her husband, but is certainly not fearful of him.

Her father, William Varner is deceased. Prior to his death, Mr. Varner was a construction superintendent. Her mother, Mary Lou Preston Varner is a semi-retired Licensed Professional Nurse. Mrs. Varner resides in Claremore, Oklahoma, where the Gates family regularly visits every Thanksgiving. Melissa has one older brother, Thomas Varner, one older sister, Rebecca Rohr and one younger, Carrie Hendrix, who live in Oklahoma. Melissa indicated that her family visits at least one time per year. She stated that her mother visits more often and they have purchased land near her siblings in Oklahoma for a vacation home.

Melissa describes her childhood as happy. She indicated that she grew up in the country with horses and dogs, fishing and hunting. Melissa stated that her parents taught her morals and values to help her prepare for life.

Melissa graduated from Claremore High School in Claremore Oklahoma in 1976. She received an Associate of Arts degree from the local junior college and went on to attend the University of Tulsa for several semesters but did not complete her art degree. She attended classes on a scholarship for one year. She then entered the work force. Melissa stated that she did not feel she was learning any work skills in the Fine Arts program and she wanted to work in graphics design and printing. Melissa several years ago, tried her hand at a private business "Sweet Melissa's" which was an outlet type clothing store but when this failed to make a profit, she and Gary closed it and donated the clothing to various organizations.

Currently, Melissa is a housewife and mother of thirteen children. She describes her duties as household management, banking, shopping, dental and medical service coordination, tutoring and supervision of outside tutors for the children, supervision of housekeeper and nanny, management and supervision of cattle operation of over 300 cattle on the family's 500 acres operation in Fort Bend County.

Melissa describes her greatest strengths as being healthy and strong, both physically and mentally. She indicated that she is an optimistic person, finding the good in people first. She suggests that her weakness is turning away stray dogs. She indicated that living in the county, she has several stray dogs come to visit their home. She wants to help them all. During her non-working hours, Melissa stated that she enjoys riding and training horses, trail riding with friends, ladies bible study, photography, artwork and gardening. Melissa indicated that she enjoys being in all aspects of her children's lives. Together they enjoy horseback riding, fishing, paddle boating, piano, gardening, church activities, movies, computer games, arts and crafts, games and cooking together. Melissa stated that she married Gary Gates in August of 1978. They subsequently had two children born: Sarah Amanda Gates, age 17, and Gary Wilton "Will" Gates, III, now 14 years old.

Melissa presented the social worker with an extensive list of the children's current strengths, weaknesses and reaction to court proceedings. Her interpretations will be further discussed under the children's sections. The social worker found her observations to be quite accurate based on observations and interviews of the children.

B. Gary Wilton Gates, Jr.

Gary Wilton Gates, Jr., born July 22, 1959 in Miami, Florida, stands at 5'5" and weighs 142lbs. He is a Caucasian man, with brown eyes and blonde hair. He presents as an athletically balanced, eloquent, "no-nonsense", pragmatic man with a strong personality yet a sensitive and loving heart. From the onset of interviews over the years, the social worker has discovered

that although both parents love being with their children, it is Gary who has always desired to adopt more children and has been instrumental in taking the initiative to start the proceedings.

Gary's father, Gary W. Gates, according to Gary, was a retired Air Force pilot who was killed by his second wife in 1979. His mother, Connie Wilcox currently resides in Katy, Texas. Gary has two sisters, Charlotte Owens and Careen Mosley who reside in Oklahoma. He indicated that he sees his mother at least one time per month and his sisters when he vacations in Oklahoma about two times per year.

Gary describes his childhood as content. He indicated his father was in the service and as a child he lived in Puerto Rico. He says he received little praise and was told to "try harder". He enjoyed sports events, including wrestling and track and carried that love into his adulthood. His father died when Gary was 18. His younger childhood days were spent with his mother and grandmother and his adolescence was spent with his father up until his death. He ended saying that he purchased his first home when he was 19.

Gary graduated from Stebbins High School in Dayton, Ohio in 1977. He received an Associate of Arts degree from Claremore Junior College, Claremore, Oklahoma, where he met and married Melissa. Shortly thereafter, he began buying real estate, fixing it up and selling it, Gary indicated. In 1986, he stated, he moved to Houston and began buying apartment complexes. He reports his earning to be \$500,000 per year and he works a 40-hour workweek. Because he owns the company, Gary can flex his hours to attend meetings and children's school activities during the day. He enjoys his current position because he has job security, Gary added.

Currently, Gary is the President and Owner of Gatesco. Gatesco is the company he developed to manage and maintain the numerous apartment complexes that he and Melissa currently own. He reports that their assets include over 2000 apartments and Gatesco employees over 190 people. The social worker observed evidence of business being conducted at the Gatesco Office located in Rosenberg.

Gary describes his greatest strengths as being Christ centered in his life, his wife, his health, his determination and his common sense. He suggests that his weakness as that his faith sometimes weakens. During his non-working hours, Gary stated that he enjoys playing with the children, Triathlons, running, swimming, camping, fishing and mountain climbing. He added that he does all of his activities with the children. Once a year for about the past ten years, he and Missy attend the national triathlons events throughout the world. They generally take several children along with them. (For instance Scott told the social worker that he had gone to Italy and Spain with his parents.) He added that the family eats out on Saturdays, they attend church together on Sundays and Wednesdays and really enjoy traveling to Oklahoma.

IV. CHILDREN INVOLVED IN THE PROCEEDING:

Sarah Amanda Gates, age 17 was born January 10, 1983. She currently attends Lamar High School and is in the 9th grade. Sarah is the biological daughter of Melissa and Gary Gates. Melissa indicated that Sarah is a strong willed, outgoing young lady. She added that her strengths are that she is happy, smiling, fairly physically fit, great at puzzle making, loving and accepting of the adopted children.

Melissa suggested that Sarah's weaknesses are related to her current level of functioning. As a special needs child, Sarah deals with challenges related to severe mental retardation. These challenges include severe speech impairment, Attention Deficit Hyperactivity Disorder; She

cannot comprehend abstracts and academically functions at a four-year-old level. Socially she functions at an eight-year-old level. She requires assistance in all areas of daily living. Melissa indicated that when Sarah went through puberty, as a result of excessive hormones, Sarah's anxiety seemed to increase. Sarah was seen by Dr. Lewis and has continued treatment under her care.

Melissa indicated that the experience of being removed from the home was traumatic for Sarah. She has become overly affectionate at home and school, and she often requires reassurance that she is "home". Melissa stated that upon Sarah's arrival home from foster care, her underpants were covered in feces and she had an unclean body odor.

During the social worker's private interview, Sarah recognized the social worker and hugged her. She told the social worker about her desire to go to church that evening. Sarah's speech is generally in phrases and is at times intelligible. The social worker observed that Sarah and Raquel are very good sisters and friends. Raquel has assumed the role of seeing that Sarah gets around. The social worker also observed that Sarah's hygiene, as in the past, was wonderful. Her hair and teeth were brushed, her clothes were appropriate, clean and pressed, and she smelt very good.

The written report from Naomi Ellison, Sarah's teacher, indicated the following: Sarah has received all her required immunizations. She has not had any additional requests for special services from the school. Sarah is usually clean, well groomed and rested. She has not had excessive absences or tardiness. She comes to school prepared with homework completed. Her parents take responsibility and attend school functions. Her parents attend conferences when requested. She appears to be happy and well adjusted.

Gary Wilton Gates, III, age 14, born May 30, 1986, attends the 8th grade at George Junior High. He presents as an intelligent, somewhat shy and handsome young man of average height and weight for his age. He is referred to "Will" in the home. He is the biological son of Gary and Melissa.

Melissa stated that Will's strengths are his academics. She added that he is currently an honors student and a member of the Junior National Honor Society. He is very active in band and is second chair clarinet. Melissa suggests that his weaknesses are currently related to puberty. She added that he seems to be doing well with handling the changes. He told the social worker that he had recently broke up with his girlfriend and he is looking forward to High school so he can meet new people.

The Gates indicated that Will sees the current court proceeding as senseless. He told the social worker that he was quite embarrassed when he was removed from his school Valentine's dance the evening February 11, 2000. Melissa indicated that Will feels that Children's Protective Services attempted to coerce him to say things that were not true.

During the social worker's private interview, Will shared that he is an avid swimmer and his favorite activity is reading. Will stated that he is excited to be entering High School and is ready for the change. He stated that he does very well in school and enjoys academics. Will indicated that his athletic ability is expressed in swimming as opposed to jogging. Regarding his reaction to CPS intervention, he indicated that it appeared to him that the social workers were not interested in anything positive he, George or the other older children had to say. They seemed to take notes only on the negative things, Will added.

Will indicated to the social worker that he would like to go to Texas A&M and at this time would like to be a veterinarian.

Personal interviews with school personnel indicate that Will is considered a superior student. He is a typical teenage young man who is academically superior to the average child. They indicated that he homework is complete, he is neat and clean, he seems happy and well adjusted. They also indicated that there was no evidence that Will has ever been abused in any way. They indicated that his family participates as requested.

George William Gates, age 13, born February 8, 1987. He attends George Junior High and is currently in the 7th grade. George presents as handsome, outgoing, athletic young man of Hispanic origin. George was six years old when he was adopted by Gary and Melissa Gates. He still has occasional contact with his biological mother and siblings still in his mother's home. Melissa and Gary promote this contact, although the birthmother has taken advantage of this relationship on occasion according to Melissa. Never the less, George has a good relationship with his birth heritage.

Melissa indicated that George's strength is a strong will. She added that he is a natural leader. This information was verified by his previous teachers at Huggins. She suggests that his weaknesses are related to puberty. She stated that he would rather play baseball than accept responsibility at times. She stated that he tends to be argumentative along with his strong will. Melissa states that the current court action has affected him both negatively and positively. Negatively, he was humiliated by being escorted and removed from their home by a van with bars on it. Positively, she feels that the experience has helped him to see how much respect he does receive within the home compared to way he felt he was treated while in Children's Protective Services custody. Melissa stated that George indicated that he was spoken down to and treated like a "liar".

During the social worker's private interview, George indicated he is satisfied with his currently living situation. He stated that he would not change anything about his life. George stated that the worst thing he ever did was to get into a fight. His punishment at home was to write an essay about the incident. Regarding the CPS intervention, George told the social worker that the questions that were being asked of him were "yes & no" questions and he was not allowed to elaborate any further.

Personal interviews with school personnel indicate that George is a top student both academically and athletically. He tends to be a bit mischievous at times, but is very well liked and respected by his peers and teachers. He makes primarily A's & B's overall. He is an alert and responsible student. They indicated that there has been no evidence of abuse on any level with regards to George. His family participates as requested by the school.

Scott Preston Gates, age 12, was born on August 21, 1987. Scott currently attends Navarro Middle School and is in the 6th grade. He presents as an energetic, happy and fun-loving young man of African American origin. Scott was placed in the Gates home at approximately eight years of age through a lengthy study of the family conducted by Robbie Hembry, of TDPRS regional adoption unit.

Melissa stated that his strengths are that he is a happy child who loves the outdoors. He enjoys singing and has a good voice. Social worker observed Scott singing at choir and his voice is wonderful. He and his brother were some of the lead children in the choir. Melissa suggests

that his weaknesses are related to his mild mental retardation. Melissa and Gary indicated that Scott has been diagnosed with Attention deficit issues. However, medication was not recommended for his treatment. Gary stated that the school would prefer for him to be on medication, but the family is following the doctor's recommendations. Melissa stated that Scott attends regular 6th grade classes with resource special education services. Melissa added that he continues to struggle with math and has remained at the fourth grade level in that subject. Melissa stated that the proceeding have scared him. However, he appears to be handling it "ok".

During our private interview, Scott excitedly showed off his ski suit. He had a very difficult time staying focused on our conversation and was physically in constant motion. When presented with the shipwreck scenario, Scott indicated that he would want to be on a deserted island with his friend, Michael. The worst thing he ever did, Scott indicated is that at one time he had stole something from school and had to return it. Although the item was returned, Scott told the social worker he was suspended.

Reports from Greg King at Navarro Middle School indicate the following: Scott has received all his required immunizations, He has had any additional requests for special services from the school and the school provided those services, Scott is usually clean, well groomed and rested, He has not had excessive absences or tardiness, He comes to school prepared and more recently with his homework completed, Mr. King was uncertain if his parents take responsibility and attend school functions, His parents attend conferences when requested. Mr. King was not sure if he appears to be happy and well adjusted.

During the telephone interview with Navarro School personnel, the teachers were concerned that Scott was embarrassed when he came to school one day with a very short haircut. They indicated that at times Mr. Gates has been "difficult" during ARD meetings regarding services for Scott.

The social worker mentioned the haircut incident to Melissa Gates. She indicated that the cut was too short, the scalp was injured slightly as result, and that they were very upset with the barber and have not returned. Melissa stated that she felt very bad for Scott and they had to just let it grow out. When questioned about the apparent friction that exists between Mr. Gates and the School, Gary indicated that the time that Scott was expelled for stealing, he challenged the suspension. Gary stated that this event and the fact the school would prefer Scott to be on medication, could be the source of friction.

Social worker's observations of Scott interacting with Gary are that the two are natural together. Scott appears to admire and aspire to be athletically comparable to his father. They interact how a father and son should in any healthy relationship.

Deroderick Thomas Gates, age 11, was born on January 26, 1989. He currently attends the fifth grade at Huggins Elementary School. He presents as a handsome, intelligent young man of African American origin. Deroderick was placed in the Gates home at approximately eight years of age through a lengthy study of the family conducted by Robbie Hembry, of TDPRS regional adoption unit.

Melissa stated that Deroderick's strengths are that he is smart happy and physically fit. She added that he is very musically inclined and can play the piano by ear. He has a wonderful voice too, Melissa states proudly. The social worker observed Deroderick's lovely voice at his Choir practice. He lead the group in several songs. Melissa suggests that his weaknesses are that he is offended too easily, has a short temper and tends to lash out physically. She added that he

needs security and appreciation for who he is. Melissa indicated that the court proceedings have scared him and broken his sense of security.

During our private interview, Deroderick discussed his love of piano. He indicated that he is taking lessons. He shared that he and the other children pack their own lunch usually. He stated that lunches usually include a sandwich and fruit. Deroderick stated that he likes Physical Education, especially swimming. The social worker observed his wonderful swimming abilities as well as the comraderie he enjoyed with his father and three older brothers, George, Will & Scott at the YWCA. The worst thing he stated that he did was to fall skiing. He bragged of his ranking in a recent race he and his family ran in.

Report from Elena Lang at Huggins Elementary indicate the following: Deroderick has received all his required immunizations, He has not any additional requests for special services from the school, Deroderick is usually clean, well groomed and rested, He has not had excessive absences or tardiness, He comes to school prepared and with his homework completed, his parents take responsibility and attend school functions, His parents attend conferences when requested, he appears to be happy and well adjusted.

Interviews with Huggins school personnel indicated that the day after Deroderick was removed, kids teased him. The teacher consoled Deroderick and told the children in class that sometimes things happen we have no control over. She stated that they should consider his feelings. The school personnel stated that her support cheered him up and his classmates rallied around him. Deroderick shares with his teacher and his class information regarding their family trips including the most recent trip to Colorado. They indicated that he speaks highly of his parents and his siblings.

Travis Glenn Gates, age 10, was born on December 14, 1989. He currently attends the 4th grade at Dickinson Elementary School. He presents as an attractive and happy young man of African American origin. Travis was placed in the Gates home at approximately six years of age through a lengthy study of the family conducted by Robbie Hembry, of TDPRS regional adoption unit.

Melissa stated that his strengths are that he is lovable, musically inclined and smart. She suggested that his weaknesses are related to a problem with attachment. She adds that his attachment problems are manifested in an obsessive-compulsive behavior of stealing food and gorging himself. When he becomes obsessed with food, she indicated, he cannot concentrate. Melissa states that he needs a controlled environment. Melissa states that the court proceeding has affected him immensely. She stated that she has seen regression in his behavior control including crying loudly and whining. However, in a telephone conference with Mr. Gates, he indicates that at present Travis' behavior regarding the food stealing has significantly diminished and he seems more happy and talkative. This was also observed by one of the references contacted.

During our private interview, Travis spoke of the events connected with leaving his room through the window. When questioned on the events, he seemed somewhat ashamed of climbing out the window and refused to show the social worker the method by which he gained entry to the outside through the window. He stated that the worst thing he ever did was to climb out the window. He stated that he has brought his lunch several times, but he also eats in the cafeteria at times. When presented with the shipwreck scenario, Travis stated he would like to be on a deserted island with John and Nathan, his friends. He discussed his

accomplishments in a fun run type of race ran all the children have entered for several years, according to Gary and Melissa.

Observations of Travis's surroundings are that the family has installed a monitor in the boy's room to ensure they are aware of activity in the room. The windows have been screwed shut and there is a lock on the attic door. Gary stated that the bedroom door had a latch, but it is rarely latched. Gary indicated that these precautions are necessary for Travis' safety, because he cannot control his desires especially his need for food. The latches are only placed when necessary in the afternoons to assist Travis in staying focused on completing his homework.

Reports from Dickinson Elementary school, Linda Lane, indicate the following: Travis has received all his required immunizations, He has had requests for additional special services from the school and the school has provided those services, Travis is usually clean, well groomed and rested, He has not had excessive absences or tardiness, He comes to school prepared and with his homework completed, his parents take responsibility and attend school functions including eating lunch with him periodically, His parents attend conferences when requested, he appears to be happy and well adjusted.

Personal interviews with Dickinson school personnel indicate that basically highly structure environment that has been implemented in Travis educational plan has allowed Travis to progress remarkably on his educational activities. In fact, it was indicated that there was a package of peanut butter crackers sitting on her desk for several days that Travis never tried to steal. The staff did indicate that they do not feel it is in Travis's best interest from an emotional perspective to attempt the TAAS test at the fourth grade level at this time, because they do not feel he will pass. They suggest taking this test would only set him up for failure, thus hurt progress that has been made. Furthermore, it was suggested that Travis was not always clean when he came to school, and his lunches are sometimes soggy and inedible.

Melissa indicated that sometimes Travis has been known to sit on his lunch on the bus. She also stated that Travis is allowed to buy lunch when he wants to, unless his behavioral condition related to stealing has escalated. With regards to cleanliness, Melissa could not recall a day that his cleanliness may have been perceived as poor. She stated that he grooms regularly and he has plenty of clean clothes.

Raquel Virginia Gates, age 9, was born on December 7, 1990. She currently attends Huggins Elementary School and is in the third grade. She presents as a sweet, beautiful young lady of African American origin. She appears to be very athletic and is of average height and weight. Raquel was placed in the Gates home at approximately eight years of age through a lengthy study of the family conducted by Robbie Hembry, of TDPRS regional adoption unit.

Melissa describes Raquel's strengths as her pride and patience in helping others. Melissa added that Raquel has bonded very closely with her older sister Sarah and assists her daily. Melissa suggests her weakness is an insecurity that she attempts to compensate for by helping others. Melissa states that Raquel needs a sense of security. She adds that this security was hindered with the intervention of Children's protective services. Melissa stated that during Raquel's years prior to adoption, Children's Protective Services was involved with attempting to reunite her biological family. Affects of her lost sense of security, Melissa states, were seen in her grades, which dropped immensely.

During our private interview, Raquel proudly showed off her medals for running. She was very cheerful and her hair was fixed in a lovely manner. When presented with the shipwreck

scenario, Raquel indicated that she would like to be on a deserted island with God. She reported that she buys her lunch and her father eats with her and her siblings sometimes at school.

Report from Huggins Elementary School indicate the following: Raquel has received all her required immunizations, She has not any additional requests for special services from the school, She is usually clean, well groomed and rested, She has not had excessive absences or tardiness, She comes to school prepared and with his homework completed, her parents take responsibility and attend school functions including hiring tutors to assist her with school work and her father attends lunch with all the children periodically, Her parents attend conferences when requested, she appears to be happy and well adjusted.

During an interview with Huggins school personnel it was indicated that when Raquel first came to school her hair was not appropriately styled for her hair texture. However, within the last year Melissa has seen that Raquel's hair is styled using hair plats that are very attractive on Raquel and appropriate for a young girl of African American origin. The social worker observed Raquel raising her hand and acting appropriately in the classroom. School personnel indicated that her behavior is very good and she speaks highly of her parents and siblings.

Cynthia Mary Gates, age 9, was born on May 17, 1991. She presents as a slender, athletic, happy, outgoing young lady of Hispanic decent. She was adopted at the same time as her older brother George. She was three years old at the time. She currently attends Huggins elementary school and is in the third grade.

Melissa stated that Cynthia's strengths are that she has a beautiful smile, sweet nature and is a good runner. Melissa suggested that her weakness is that she is too "silly" at times. Melissa stated that Cynthia needs to be loved allot and needs appreciation. Melissa stated that the court action scared Cynthia a great deal. Her security was affected and Melissa added Cynthia is afraid someone will come and take them again. The social worker was questioned on initial visit as to her role questioning possible connection to Children's Protective Services. This supports Melissa's discussion of loss associated with lack of security.

During our private interview, Cynthia indicated that she loves Physical education. She wants to be a teacher when she grows up. Cynthia embraced the social worker in a welcoming manner on the second interview at their home. When presented with the shipwreck scenario, Cynthia indicated that she would like to be with her Dad on a deserted island. Cynthia has a slight lisp in her speech. However, it does not seem to interfere with her communication.

Reports from Huggins Elementary School indicated the following: Cynthia has received all her required immunizations, She has not any additional requests for special services from the school, She is usually clean, well groomed and rested, She has not had excessive absences or tardiness, She comes to school prepared and with her homework completed, her parents take responsibility and attend school functions including signing her homework folder and her father attends lunch with all the children periodically, Her parents attend conferences when requested, she appears to be happy and well adjusted.

Interviews with Huggins school personnel indicated the Cynthia is doing well in school. However, It was indicated that in years past, Cynthia indicated that upon receipt of a poor grade her punishment was to drink beet juice. In addition, Cynthia had indicated to school officials that she also had to haul bricks around the yard.

Gary indicated that he did require the children drink beet juice for dinner if they did not achieve the grades in school in which they were capable of. He added that beet juice is highly

nutritious and contains more of the daily vitamins required for a healthy diet. In response to hauling bricks, Gary indicated that he did incorporate moving bricks in his discipline methods. However, it has never been done to an extreme and the children have never been placed in a situation where they would be over exerted.

Cassandra Louise Gates, age 7, was born on November 14, 1992. Currently she attends Huggins Elementary school and is in the first grade. She presents as a very beautiful and affectionate young lady of Caucasian origin. She has distinct feminine tendencies. She is referred to as "Cassie" in the home.

Melissa stated that her strengths are that she is very academically inclined. Melissa did not add any weaknesses. She indicated that Cassie was adopted upon birth and came home to live with the Gates family upon her release from the hospital. Melissa indicated that Cassie needs a great deal of hugs. The social worker observed Cassie to be very "huggy" and required/demanded physical attention. Melissa suggests that at this time Cassie is very frightened of Children Protective Services and is afraid that they will come and take them away.

During our private interview, Cassie indicated that she loves to read in school. She enjoys buying her lunch. She also enjoys her collection of horse figurines.

Report from Cynthia White of Huggins Elementary School indicated the following: Cassie has received all her required immunizations. She has not had any additional requests for special services from the school. She is usually clean, well groomed and rested. She has not had excessive absences or tardiness. She comes to school prepared and with his homework completed, her parents take responsibility and attend school functions. Her parents attend conferences when requested, she appears to be happy and well adjusted.

Interviews with Huggins School personnel indicated that they thought Cassie was the birth child because she wears more feminine clothes when compared with the other female siblings.

Melissa indicated that Cassie is more feminine than the other female children, and she tends to pick more feminine outfits. The fact that the Gates honor her preferences is further credence that they are sensitive to her needs and desires, too.

Timothy Joseph Gates, age 7, born on December 5, 1992. Currently he attends Huggins Elementary school and is in Kindergarten. He presents as a precocious, somewhat aggressive, bold and creative child of Hispanic origin. He is referred to as "T.J." in the home. He is Cynthia and George's brother.

Melissa indicates that his strengths are that he is very strong willed, funny and cute. She suggested that his weakness rest in a developmental delay related to a lack of response to normal feeding, nurturing and holding. She added that he was two month premature and was confined to his medical environment during a very critical developmental age. Melissa's indicated that the recent intervention of Children Protective Services scared him and still does sometimes.

During our private interview, TJ indicated that his favorite sandwich is Peanut butter and Jelly. He indicated that he took his lunch on this date and it contained a fig newton and a turkey sandwich. However, the social worker observed him at the cafeteria with his friends and he refused to show the social worker what he had.

Report from Huggins elementary School indicate the following: Tim has received all his required immunizations. He has not any additional requests for special services from the school. He is usually clean, well groomed and rested. He has not had excessive absences or tardiness. He comes to school prepared and with his homework completed, his parents take responsibility and

attend school functions, His parents attend conferences when requested, he appears to be happy and well adjusted. Because of his size and immaturity the Gates agreed with his teacher that he needed to repeat kindergarten which he did do this year.

Personal interviews with Huggins School personnel indicated that sometimes his lunch was soggy and sandwiches were sometimes squished together. They indicated that they had suggested to Melissa to get a lunch box for TJ and the Gates responded immediately. TJ was held back in Kindergarten. His teacher indicated that his work and maturity has improved as a result.

Andrew Jacob Gates, age 7, born on January 22, 1993. He currently attends Huggins Elementary and is in the first grade. He presents as a handsome, intelligent and happy young boy of Caucasian origin. He is referred to as "Andy" in the home.

Melissa suggests that his strengths are that he is very cute and popular amongst his friends. She suggests that his weakness is his asthma. She added that it sometimes affects him in his sports activities. Melissa indicates that his needs are love, hugs and encouragement with his asthma.

During our private interview, Andy asked, in a very concerned manner, if we were there about the court hearing. He seemed to require reassurance that we meant no harm. He stated that the worst thing that ever happened to him was when Children's Protective Services took them away. The worst thing he ever did was to be grounded from his bike. He reported that he sometimes has time out if he gets in trouble.

Reports from Allen Wade at Huggins Elementary School indicated: Andy has received all his required immunizations, He has not any additional requests for special services from the school, He is usually clean, well groomed and rested, He has not had excessive absences or tardiness, He comes to school prepared and with his homework completed, his parents take responsibility and attend school functions, His parents attend conferences when requested and they speak every six weeks, He appears to be happy and well adjusted.

Private interviews with Huggins School personnel indicated that Andy is a very smart child, and he appears to be happy at home. He speaks highly of his parents and siblings.

Alexis Suzanne Gates age 5 born on June 29, 1994. She presents as a happy, delightful petite girl of Hispanic origin. Alexis is not in school yet and is generally under the care of Melissa and her nanny during the day. She is referred to as "Lexie" at home. Lexie is bilingual and knows several Hispanic songs.

Melissa suggested that Alexis' strengths are that she is healthy, cute and very independent. Melissa stated that Alexis' weaknesses are that she is somewhat bossy and attempt to manipulate to get her way. Melissa indicates this a result of having to move around a lot and manipulating the environment to get her needs met. She indicated that Alexis needs a structured environment, and security.

During our private interview, Alexis indicated that she likes to play with Marcus and go to her Dad's office. Her favorite food is Ice cream. The worst thing she ever did was to write on the wall. She had to stand against the wall when she wrote on it. Unsolicited, Lexie told the social worker that one time she ate whole pecans and she had to take Ipecac to make her throw up. She seemed to know that information would bring attention to her.

Marcus Anthony Gates age four, was born on July 22, 1995. He presents as a cute and shy young boy of Caucasian origin. As the baby of the Gates family, he is adored and coddled by all, especially Melissa and Gary. He and Andy have the same birthmother.

Melissa indicated that his strength is that he is very loving and cute. She suggests that his weakness is that he sucks his thumb. She added that prior to going with Children's Protective Services he sucked his thumb only at night. However, he constantly has it in his mouth since then. This was observed by the social worker during all the interviews. His needs include those of a normal four-year-old, Melissa indicates. She adds that he seeks the affection of his Daddy. The social worker observed him going his daddy's lap several time and being received by Mr. Gates with nurturing and affection.

During our private interview, he indicated that his favorite food was spaghetti. The social worker observed that he clinged a great deal to his blanket and kept his thumb in his mouth during our interview.

V. INTERVIEWS OF ADDITIONAL ADULTS IN THE HOME:

Bertha Castaneda, Housekeeper & Nanny

Ms. Castaneda has worked for the Gates family for five years. She is bilingual. She stated that she has not seen any changes in affection given to the children as additional children were adopted into the family. She added that Mr. & Mrs. gates have show affection for all their children equally. In regards to the discipline in the home, Ms. Castanda stated that the Gates parents are very strict. However, she does not feel the means of discipline are overly harsh. She supported that the older boys are required to move boards as a form of discipline, but the boards are not what she would consider heavy. She indicated that the Gates insist that their children are well fed, clean, have nice clothes and are healthy. Ms. Castanda brings her children to the Gates home occasionally when they are out of school to play with the other children. She added that her children are treated as if they were members of the Gates family.

Nierme Mahjever, housekeeper

Ms. Mahjever has worked for the Gates family for two years. Her primary language is Spanish. She is currently working on English as her second language. She stated that she has never seen either Mr. or Mrs. Gates get angry or hurt the children. She stated that she sometimes brings her children to the Gates home and experiences the same affection afforded the Gates children.

The shifts for the housekeeper and nanny end at 4:30 p.m. When the Gates travel to the Triathlon events, both ladies stay and work alternating with Bertha staying most nights too. They alternate Saturdays and both usually get off two days a week with both being off on Sundays.

Kathy Cherry, the Gates high school tutor who comes after school, was briefly interviewed and indicated that the children were treated with respect and love by the parents and staff working in the home.

VI. PROFESSIONAL'S RESPONSES IN RELATION TO THE PROCEEDINGS:

Ed Uthman, MD, Pathologist and Laboratory Medical Director Polly Ryan Hospital
March 23, 2000

Observations of Travis and his mother during an oral glucose tolerance test performed on March 22, 2000, as requested by the patient's (Travis) psychologist, indicated that both interacted in an appropriate manner. He indicated that they show appropriate bonding that one would expect between a child and a mother. During personal interactions with Travis, Dr. Uthman indicated that he spoke of trivial issues about his daily life, showed pictures of a family outing and spoke in a positive and proud manner about his parents and siblings.

Dr. Michael Bornstein, Pediatrician

March 23, 2000

Dr. Bornstein indicated that he has examined each of the Gates children and all are in excellent health. He indicated that he has not seen any signs of abuse and has spoke with each child individually. Results of their conversations suggest that they are all happy and well adjusted. He concluded with his observation that the children are all happy to be a home with their parents.

Dr. Kay Lewis, Psychiatrist

March 23, 2000

Dr. Lewis indicated that she visited with Travis for an initial evaluation on March 16, 2000. He was interviewed both alone and with his parents.

Significant findings were as follows:

1. Impulse Control Disorder
2. Over eating Disorder
Prader Willie ruled out as a result of normal chromosome study; Glucose Metabolism abnormality ruled out as a result of normal Glucose tolerance test.
3. Reactive Attachment Disorder
secondary to early Trauma in infancy and numerous separations with resultant depression.
4. Did not display classic symptoms of Fetal Alcoholism, Although substance abuse during pregnancy could be a contributing factor.

Recommendations:

1. Resume individual and family therapy with Dr. Wernick especially addressing recent and past separation issues.
2. After prolonged glucose tolerance test, begin Adder Al as directed.
3. Avoid future separations if at all possible to avoid further difficulties with trust and self-esteem.
4. Return April 18 for follow up visit.

Dr. Mark Wernick. Phd, Counseling Psychologist

April 24, 2000

1. Travis' presenting problem was compulsive overeating and theft of food.
2. Dates seen are 11/17/98 to 12/24/98; 2/14/00 to present.

3. Diagnosis is as follows
313.89 Reactive attachment disorder
307.50 Bulimia, non-purging type
4. He indicated that the client and parents have been cooperative.
5. He indicated that the client has made progress in a sense – “but not as a result of psychotherapy”.
6. He indicated that he is aware of the Gates disciplinary techniques and that they were described to him fully.
7. He states that he feels that the Gates are committed and capable of parenting their children without assistance. He adds, “moreover, I can think of few parents better equipped and able to do the job done by the Gates.”
8. He states that the only additional records he holds are progress notes.

Personal interview with Dr. Wernick yielded his suggestion that he saw no abusiveness to techniques such carrying bricks, running laps, doing push ups, or “wall time”, or even having the child wear candy wrappers. which he says are less intrusive than spanking. In fact, Dr. Wernick explained that some of the Gates techniques he has suggested to some of his other clients.

Dr. Jay Bevan, Ph.D.

Court designated Psychologist

Contacted by phone on 5/18/00, indicated the following:

1. Psychological testing has been completed on both Mr. and Mrs. Gates. According to Dr. Bevan, results suggest that neither, Mr. or Mrs. Gates is suffering from a mental illness or disorder requiring treatment. In fact, both seem to be logical, practical parents interested in committing to parenting to the best of their ability..
2. Dr. Bevan indicates that he will submit a copy of said test to the social worker as soon as possible.
3. Dr. Bevan further indicated that he has visited with the Gates and Travis, both at the office and their home. He stated that he has also been to the home and observed the children from the time they came home from school, through supper, and their after dinner routine.
4. He indicated that he was joined by the entire family visiting the property located near their rural home off of FM 359 in Richmond. He stated that Mr. Gates showed him the plan for the recreational facility, including horses, horse barns and stables which will be built prior to the initiation of their new 5000+ square foot home.
5. In addition, Dr. Bevan, observed Mr. Gates at his work site at his most recent apartment acquisition and renovation in the Sharpstown area. He stated that he was made aware of the particular techniques and thoroughness that Mr. Gates utilized in his business activities.

Dr. Bevan stated he is not yet finished with his entire assessment of this family. However, he indicated that ,to date, he has not been aware of or observed any situations or behaviors that would cause him to believe that Mr. or Mrs. Gates are currently abusing or

neglecting their children, nor does it appear that they have done so in the past. He noted that 12 of the thirteen children could be considered special needs by virtue of their histories prior to coming into the Gates family. This alone sets up the potential for misunderstanding among outsiders looking at isolated events involving this family. He told the social worker, although Mr. Gates discipline may be considered unorthodox, he did not consider his techniques to be abusive. He reiterated to the social worker, that Mr. Gates concerns for Travis' future are justified, as is his advocacy on behalf the child. He feels Mr. Gates will continue to pursue to advocate if Mr. Gates feels Travis or any of the children are not being treated fairly by the school system.

Dr. Bevan's assessment of Children's Protective Services removal of the children from the Gates home, based on family interviews, was that it was the result of a lack of knowledge about this family on the part of Children's Protective Services and an unfortunate block in communication between the Gates and the school.

According to Dr. Bevan, Mr. Gates indicated that he felt this referral to Children's Protective Services was partly made in retribution for his filing of an appeal with the district (and Dickinson Elementary's particular ARD team assigned to Travis) regarding Travis's educational plan. Dr. Bevan indicated that it is his opinion, based on the reports that he has received thus far, Mr. Gates is not in conflict with the school as a result of Mr. Gates's control issues but rather Mr. Gates' genuine concern for the well being of his children. However, Dr. Bevan did indicate that he has not yet spoken with Children's Protective Services officials or the schools.

Dr. Tom Mann, Phd., (713) 771-1587, Behavioral Psychologist, Houston, Texas
Contacted via phone on 5/22/00

Dr. Mann indicated that he has met with the Gates family on four occasions. The referral, initiated by Helen Kerlick, is to review Travis' behavior modification plan currently being utilized in the school and at home and to consult with the Gates family. Dr. Mann stated that after interviewing both Melissa and Gary Gates he does not feel that either party is dealing with personal mental health issues. He indicated that the discipline methods being utilized by the Gates family are not physically or mentally detrimental to the children and are more "Old Fashioned" forms of discipline, not commonly incorporated today. They are mildly aversive but certainly not as aversive as spanking, he says. He is in the process of developing a behavior management plan for Scott and for Travis and has referred the family to other sources for help which he says that they have follow up with. He is very pleased with the cooperation of these parents and with the progress made in a short period of time.. To date the family has maintained all their appointments with Dr. Mann and followed up on all his recommendations.

Dr. Gary Welch, DDS, 810 S. Mason #215, Katy Texas, (281) 395-2112
Contact via telephone on 5/23/00

Dr. Welch indicated that he is the children's dentist and they come to appointments regularly. They have not had many dental problems over the years, he added. He did say

that when they come in Melissa stays with them during their treatment and appears to be very loving and supporting of them. He stated, "Two of the children are their own but you would never know because they treat them all equal"

Dr. Welch attends Church with Gary and Melissa. When the story of the multiethnicty of these adoptions ran in the Chronicle newspaper several years ago, Dr. Welch, admiring their commitment, offered to do all their dental work for free. He has maintained that commitment to date.

Reverend Keith Bower, Senior Pastor of Grace Community Bible Church, 281-341-0618
Contacted by phone on 5-20-00

Reverend Bower , who has known the Gates family for six years, verified that he volunteered to be the court's monitor in the agreed mediation settlement between CPS and the Gates family and to meet regularly to counsel Gary and Melissa as needed. He sees them at least twice per week and more often some week. He emphasized how deeply committed Gary is to his family and verified both parents' involvement in all aspects of the childrens' lives. He does not feel that Gary or Missy are capable of abusing the children because of the continuous love and attention they continually give to the children. He says that the Gates donate large sums of money to their missionaries, again giving selflessly to others. Rev Bower states he has seen tremendous progress in the behavior and educational level particularly of Scott, Deroderick, Travis and Raquel saying "these children are indeed fortunate that they were selected to be adopted by Gary and Melissa.

VII. REFERENCES:

Gary and Barbara Kott, 9511 FM 359, Richmond, Texas 77469 (281) 342-9679, close friends of the family for the past seven years. Gary indicated that the Gates family visits at their weekend home in Bellville regularly. He has observed the both Gary and Melissa with their children on numerous occasions and stated that the children appear to be very comfortable with the Gates and seem to love their parents very much. He stated that he has seen Travis evolve since placement with the Gates. He stated that Travis has improved immensely since his placement. He witnessed the depth of Travis' eating disorder when he and his siblings were initially placed. He indicated that even recently, Travis seems much more connected to the environment in that he responds appropriately. He says that Travis acknowledges emotions and has even had a smile on his face and courteously greet him and his son. Mr. Kott says that he has observed Gary being very laid back allowing the children to play and participate without being overbearing. He scoffed at the idea that Mr. Gates is a controlling individual who is "torturing" his children.

Brent and Elvie Burkhardt, 1106 Mayweather, Richmond, Texas 77469 (281) 232-5996, Friend and Associate Pastor, has known the Gates for 4 years. According to Mrs. Burkhardt, she has visited a couple of times in home for lunch. Her observations are that Missy loves her children very much and is a wonderful sweet woman. Mr. Gates is very focused, disciplined but a well-respected man who loves his children dearly. Observations of the children are that they are enthusiastic and happy all the time.

William and Jewelene Kellough, 12118 Intland, Houston Texas 77048, (713) 991-1303, Friends of the family. Jewelene indicated that they have known the Gates for about four years. They met through the church. Jewelene and her husband, William, are African American and have one teenage daughter who occasionally baby sits the Gates children.. She indicated that the qualities she admires most about the Gates are that they are both principled and have strong moral convictions. She describes Gary as a loyal and true believer in Christ, solid and stable with regard to caring for family. She adds that Melissa is a mom who is nurturing and devoted to children. The Kellough's have participated in Christmas and several holidays throughout the years. Their daughter has also stayed over at the Gates home on several occasions. She indicated that the children are happy and spontaneous. She feels that the Gates do everything possible to personalize the living situation for each child. She has observed the children embrace both of their parents on numerous occasions. She did not indicate that there are any problems in the Gates' relationship and added that they have been role models for other couples in the church. She indicated that she feels that the four African American children are getting their cultural needs met within that household. She indicated that there is a high comfort level in the home because the Gates do not see "Color".

Paul and Krystali Helbig, 3918 Aspenwood, Richmond, Texas 77469 (281) 232-3184 Youth Pastor at church. Mr. Helbig indicated he has known the Gates family for 5 years. He stated that he has had dinner about 4 times total in their home on church related issues. He stated that he has known Will from 6th grade up. Mr. Helbig stated that he feels that the Gates children are well taken care and have never been abused in any way. Mr. Helbig added that he is an expert in children and suicide. He intervenes and helps to train others in the area of children suicide. Children are joyful, well adjusted on campus a great deal very faithful church family. Students from youth group go in and tutor the children. That student has never indicated any concern to him regarding the care or condition of the children. He stated that Will and George are in Wednesday evening group, and that if there were concerns by either of the boys, those concerns would be raised in their group. He feels that Mr. Gates is calm and firm with his children. He is quickly responsive by raising his eyebrows. At that point the children generally stop doing what they were doing.

VIII. FINANCES AND INSURANCE.

Gary and Melissa Gates report a gross income of \$500,000.00 per year. They report monthly expenses of approximately \$6,400.00, which indicates they live well within their means. Furthermore, the Gate's real estate holdings are in excess of \$40,000,000 and they have over \$2,000,000 in savings as of April 10, 2000.

The Gates report monthly expenses (at their home) as follows: Food: 2,000.00, Utilities: 400.00, Clothing: 500.00, Medical: 400.00, Child care: 1,000.00, Other: 1,500.00, Gasoline/Car Ins/Car repair: 500.00, Utilities: 500.00. The Gates report their assets as follows: Furniture: 20,000.00, Real Estate: 40,000,000.00, Automobiles: \$50,000.00, Savings: 2,000,000.00. Currently, the family is self-insured for medical expenses through Gatesco.

IX. HOME AND SURROUNDINGS:

The home of Gary and Melissa Gates is located at 5103 Cypress Green, Richmond Texas 77469. They own this 4800 square foot wood frame country-style three story edifice which is situated in a very upscale neighborhood called "Woods Edge" located off of FM 359 about half way in between Richmond and Rosenberg in rural Fort Bend County. There is a winding stone road up to the home which is set back from the road at the end of a cul de sac. The area is located in a close proximity to the area shopping centers and medical facilities. The entire Gates family attends the Grace Community Bible Church which is located at 5121 FM 359 less than a mile of their home. The home has six bedrooms and six baths and is nicely landscaped with a tree-covered lot and trees surrounding the home. Outside there is evidence of children and their big wheel cars, bicycles and outside toys in the large drive-around.

Upon entering the home, one has a feeling of togetherness of a family which eats, sleeps, plays studies and worships together. To the right is a large dining and formal sitting room area, which includes two tables with various chairs sometimes unmatched, a larger one for the older family members and a smaller table for the younger children. The room also houses the family's piano and several couches. Through this room one enters the kitchen area.

The kitchen has all the necessary modern appliances. The refrigerator and glassed-in cabinets are well stocked with plenty of nutritious foods and utensils for eating as well as display pieces for decor. The food cabinets are locked with small padlocks. The family feels this is necessary to prevent Travis from accessing additional snacks during inappropriate periods. The older children know where the keys are to unlock the cabinet should there be an emergency. The children are required to ask for snacks and are rarely denied, according to the housekeepers, the Gates, and the older children's interviews.. There is an informal dining area and laundry room located in the back of the kitchen. This is where the folding of clothes takes place and the low bar with chairs is also used by the children to study their homework as well as the two tables in the eating room.

To the right of the kitchen through a door is a more formal living area. This area is decorated with family pictures. The furnishings are made of leather, and the family computer is located in this room. There is also a television for family viewing located in this room. There is a hallway off of the living area; down this small hallway is the youngest boys' room. Andrew, T.J. and Marcus share this room. They also have their own bathroom. Their room is decorated with age appropriate designs. Each child has their own bed and personal space in the room. As one exits this area they are back in the entryway. To the right of the entryway is the Master Bedroom, which is furnished in a floral décor and has decorator duvet type spread and matching curtains. It also contains a large master bath with jacuzzi.

One proceeds up a large stair well to the second floor of the home. There is a large family area that is centered at the stairwell. Although some of the children stated that they use this area to read and study and there is a ping pong table, it was never seen in use during any interviews. It is fairly devoid of wall hanging as were seen in the downstairs living areas. There is netting around the railing of the stairs to prevent the smaller children from falling through the rails. Directly ahead and to the right of the stairs is Sarah's room. It is decorated in an age appropriate design. Sarah stays inside her room a great deal so that she may enjoy her own personal space.

To the right is the remaining four girls' room. Cassie, Raquel, Alexis and Cynthia reside in this room. They have bunk beds for each child to sleep in and chests and credenza's where each stores their personal belongings. There are collections of Horse figurines and age appropriate toys all over the room. The closet is filled with clothes for all seasons. Although this is the second large bedroom other than the upstairs boy's room, each child has limited space throughout this room. To the left of the stair well is the boy's room, shared by Scott and George. Each has their own sleeping area and there are age appropriate toys throughout. They too have clothes for all seasons. Their personal space too is somewhat limited.

Finally, one proceeds up a narrow stair way to the third level. Off this narrow stairwell is the attic, which is currently locked with a padlock. The oldest boys share this room and each has their own limited personal space. There is a set of bunk beds, a desk, another bed, and age appropriate toys and books throughout. There is a closet full of clothes for all seasons. The family has also installed a monitor in this room and screw locked the windows for Travis's safety. Travis reported that he was jumping on his bed and broke it that his why he does not have a bed frame.

The home in general was clean considering the number of people who reside in the structure and the size of the home itself. The furnishings although adequate, are not elaborate, particularly considering Mr. Gates income. Except for the master bedroom and bath, some of the plumbing hardware in the children's baths is in disrepair and the bathrooms, did contain toilet paper and towels, but had very little matching or "accessories with a central theme" usually seen in a family home of persons' in the Gates' socio-economic status. It appears that the family is less concerned about material possessions and appearances and more concerned in the welfare of the family.

X. RECOMMENDATIONS:

In looking at the bigger picture as to how and why the Gates children were so quickly removed from the home by the CPS representatives, the social worker discovered that there appeared to be a total lack of communication between the school and the Gates family. Mr. Gates' note sent with Travis, who had candy wrappers attached to his shirt, startled the teachers and administration, but they did not feel comfortable calling Mr. Gates because of past telephone encounters with him.

Probably because of his own parents' military background, it appears that Mr. and Mrs. Gates have opted to approach discipline with their large family of thirteen children from a Behaviorist model of intervention. The literature shows that the Behaviorist Theory suggests that behavior can be modified by the introduction of rewards and punishments in a structured situation. This method has been utilized quite successfully in various situations to modify behavior, particularly with the special needs population.

Mr. Gates has been very successful in his behavior management approach in instilling good moral and social values within his children. Some of his methods, although on the surface may seem harsh, unorthodox or old-fashioned, are geared towards optimum physical and academic performance of his children. Methods of punishment utilized include the transfer of boards from one outside location to another, runs around the neighborhood, swimming laps or more often

writing an essay about the effects of a behavior. The younger children participate in a modified version of time out in which rather than their nose being in a corner or against the wall, their buttocks are in the corner or against the wall. Although this method may seem different, it can be argued that children with attention issues are often unable to maintain the face against the wall and often tend to scratch the wall or rip wall paper when in that position. Attention Deficit issues have affected almost all of Mr. and Mrs. Gates' older children on one level or another and they continue the same approach with their other children as they grow. The Gates indicated that the time required for children to be in time out is the same as the child's age, which based on current literature, is suitable.

However, in the case of Travis, Mr. & Mrs. Gates are attempting to implement the same philosophy with limited information about the antecedents to his behavior and as a result, may appear to have little regard for the physical, emotional and cognitive underlying reasons for Travis's behavior. Dr. Lewis indicated that psychologically, Travis is dealing with attachment issues. In the past, the family has attempted to address these issues with Dr. Wernick in several different fashions including Holding Therapy. The time allotted for these interventions was approximately six months with little change in Travis' responsiveness. Melissa indicated that the structured therapy was discontinued because Travis seemed to be getting better at home and at school. The couple indicated that they have been continuing the interventions in a non-structured therapeutic environment at home. In addition to the interventions established in Dr. Mann's plans, it may be also be helpful to review therapeutic interventions that have been successful in individuals dealing with attachment issues, thus trying them over an extended period of time.

Mr. and Mrs. Gates indicated that the evening that Travis was told he was to wear the Fig Newton wrappers to school, he reacted with remorse and began to cry. The couple stated that was the first time Travis had displayed this type of remorseful behavior. During our private interview, Travis first refused to tell the social worker what the worst thing he ever did was (looking forlorn and ashamed) and on second interview, he changed the subject so not to have to show the social worker how he climbed out the window (embarrassed). This behavior suggests he is ashamed or embarrassed about his behavior of climbing out the window. These two displays of remorse are remarkable steps showing evidence of Travis' attachment to Melissa and Gary. Unfortunately, instead of hugging him, forgiving him and telling him they would give him another chance, the Gates opted to strictly and harshly punish him in a way that would humiliate him most—in front of his peers at school. Had they been seeing Dr. Wernick or Dr. Mann regularly, it is possible that a different solution to Travis' problems could have surfaced.

Unfortunately, too, by the time this event occurred, the Gates and Dickinson ARD team were suspicious and mistrusting of each other. Therefore, the school felt they had no choice but to report to CPS as they were concerned for Travis' safety, and because they did not feel that Mr. Gates would respond favorably to their suggestions.

It is the opinion of this Social worker that the love and overall concern that Mr. Gates has for all of his children, but especially for Travis, festered into a desperate frustration for Mr. Gates. Therefore, being at "the end of his level of tolerance" for Travis' manipulative behavior, he lashed out physically by pushing and shoving upon hearing that his son had behaved inappropriately. His reaction came from his heart rather than his mind, and was not appropriate

for the situation. This behavior, however, on the part of Mr. Gates is not really characteristic of his quiet unostentatious personality. In this social workers opinion, this was an isolated event ..

It is the social worker's opinion that Travis gorges on food because he gains a sense of satisfaction by quickly snatching and eating the food. More background is needed to determine if he hoarded food because of neglect in his previous family. The social worker recommended that the family visit with Dr. Thomas Mann, Phd regarding their behavior intervention techniques and to assist with a possible structured behavior management plan for Travis to be used in the home and at school. This plan would be maintained on a 24/7 schedule and would require the cooperation of the school officials as well as much work on the parents' part to ensure success.

The school has a behavior intervention plan in place. However, the one viewed by the social worker, which was supposedly going to be modified, appears to be very general and implementation is questionable as a result of the lack of specificity. The targeted behaviors are generic in nature and include: following directions, respect others, exercise self-control, work independently, display positive attitude and participate. The intervention plan charting mechanism does not address the targeted behavior of taking food from others and items or denying, hiding. Therefore, there is no daily documentation of progress towards the decrease of targeted behaviors. The implementation of a plan that is consistent between home and school would remove Mr. & Mrs. Gates and the school officials from the role of disciplinarian thus allowing all parties involved to focus on regaining the trust and building up the self esteem of Travis. The plan being developed by Dr. Mann will be more specific to the individual needs of Travis, rather than the generalized attributes suggested by the school plan. Dr. Mann practices an active role in the training of schools, families and caretakers on plan implementation and documentation as a part of his private practice. He indicated to the social worker, that he is and would be available to the school for training the staff on the documentation associated with Travis's plan

Travis and his siblings, who were reportedly living in separate foster homes before being adopted by the Gates, have made remarkable progress both emotionally and academically under the guidance of Mr. and Mrs. Gates. Intervention by Children's Protective Services, primarily the removal of all children from the home, has left emotional scars and deep-seated fears relating to the security that these children once felt. It is important that the Gates family access therapy both family and individually for each of these children to deal with the fears they have surrounding this proceeding. Since they are seeing Dr. Mann, no doubt, with the Gates' permission, he can and will also conduct group sessions to help them process what has occurred and to allay the children's fears.

Cultural differences between the children and the parents allow for a wealth of cultural diversity within the Gates home. As in the past Mr. and Mrs. Gates should welcome suggestions from friends, family and school officials as to the consideration of cultural pressures the children may face as they grow. Particularly there has been mention as to the hair and wardrobe of the children of African American origin. Melissa has sought advice from friends as to age appropriate styles for the children and has encouraged their exploration of the culture of origin. These practices should and will continue.

Mr. Gates has planned the new home for a number of years now, he appears to be aware that the children lack sufficient personal space compared to the average child in other comparable

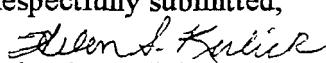
socio-economic situations. Although this social worker realizes the Gates are not materialistic in their personal lives, . the problem does now exist that the children are running out of personal space and have limited areas of space and/or "things" specifically to call their own. This benign neglect is not unlike in some institutional settings what one would see today. Physical space and personalized memorabilia help children to have identity and avenues for personal growth. This is the main area where the social worker sees the need for improvement on the part of the Gates. Gary and Melissa may want to revisit their financial spending priorities in these areas, first.

As is evident by the information throughout this report that the strengths of these parents far outweigh the areas needing improvement. It is this social worker's opinion that none of the Gates children are oppressed or are being treated cruelly by either parent. They are, however, expected to respect each other and their belongings, to take care of their own personal hygiene and straighten their room, to respect and obey their parents and adults, and, in general, to live a healthy Christian life of clean living, exercise, good nutrition and worship; one that is devoid of eating junk food regularly, not getting adequate sleep, too much television exposure, or one of criminal activities such as cheating, stealing or any unacceptable behaviors which could hurt themselves or others.

At this time, this family needs to be free from the fear that, at any given moment, the life they have developed together (with God's help) through mutual respect and love for each other, could be shattered once again. It is the social worker's opinion that Melissa and Gary Gates are loving, caring parents who have shown ample evidence that they are able and willing to commit their personal time and resources towards seeking the help of experts, friends, and spiritual counselors, in order to gain and secure the best quality of life possible for all of their children. This family has grown and matured as a result of the suit and the CPS intervention in that Melissa and Gary did not previously realize the extent of community support they had, especially from their church. Furthermore, Gary and Melissa are now aware of other sources of consultation regarding their special needs children and they have formed alliances to advocate even further on their behalf.

Therefore, it is recommended that no further court-mandated services are needed for the Gates family at this time. Additionally, it is doubtful that the Gates will trust the present staff of Ft. Bend County Protective Services in the near future and keeping the case open is a painful reminder of this trauma in their family. Hopefully, that state governmental agency will determine that taking action to close the Gates' active file at this time, will be in the best interest of the entire family.

If there are specific questions regarding this report, please feel free to call me at 1-800-537-5425.

Respectfully submitted,

Helen S. Kerlick, LMSW-ACP
Licensed Marriage & Family Therapist
June 1, 2000

COURT ORDERED SOCIAL STUDIES REGISTRATION

Name: Helen S. Kerlick	Date of Birth: 04/06/44	Social Security No 459-72-5909
Agency/Employer: The Kerlick Co., Inc.	Business Telephone No: (Inc. A/C) (800) KERLICK OR (979) 532-2793	
Agency/Employer Address (Street, City, State, & Zip) P.O. Box 85, Richmond, TX 77406-0085 or 1317 N. Alabama Rd. Wharton, TX 77488		

LICENSES/CERTIFICATIONS OR PROFESSIONAL ORGANIZATIONS

NAME OF ISSUING ORGANIZATIONS	LICENSE/CERTIFICATION TITLE	ID NO.	DATE ISSUED
Texas Department Protective & Regulatory Services	Licensed Master Social Worker	License # S04503	4/1/85 – 5/1/01
Texas Department Protective & Regulatory Services	Advanced Clinical Practitioner Private Practitioner	S04503	4/1/86 – 5/1/01
National Association Social workers Assn.	National Register of Clinical Social Worker	Qualified Clinical Social Work Diplomat e	1987 - 2000
Texas State Board of Examiners of Marriage & Family Therapists	Licensed Marriage & Family Therapists	License # 001196	5/21/92 – 5/1/01
Texas Education Agency	Texas Teacher Certification Permanent Secondary	Non-expiring	9-1-67

EDUCATION

NAME OF INSTITUTION	LOCATION	DEGREE	DATE
Cadwalder Behavior Center	Houston, Texas	CADAC Preparatory	1988 – 1989
University of Houston Grad School Social Work	Houston, Texas	Master of Social Work	5/84
University of Texas @ Austin	Austin, Texas	B.A./Spanish/French	8/65

EXPERIENCE

DATES	COUNTY	NUMBER OF STUDIES COMPLETED
December 1986 – Present	Ft. Bend, Matagorda, Harris, Wharton, Brazoria, Jackson	Approximately 1200 adoptions and disputed custodies, including 75 out of state interstate
With Helen Kerlick & Associates/The Kerlick Co., Inc.	Louisiana, Illinois, Colorado, Oklahoma, Kansas & California Adoptions	Compact Agreements and 50 International Adoptions approved by INS
December 1987 – 1995 Director of Social Work Services/Richmond State School	Ft. Bend County	600 Clients Served; 15 Employees Supervised

STATEMENT OF QUALIFICATIONS

Based on Qualifying License/Certification and Experience Based on Experience Prior to August 31, 1988

I affirm that (1) I have read and understand the State regulations governing court ordered social Studies, (2) The above information is true and Correct to the best of my knowledge, (3) I qualify as Indicated to conduct court ordered social Studies And (4) I understand that any Misrepresentation May be the basis for denial of My registration to Conduct social studies.

Helen S. Kerlick
Signature – Registrant
6-1-2002
Date

Suscribed and swore to me this

1 day of June, 2002
Julia Delgado

